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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,393	02/26/2004	Ofir Amir	Q79422	2873

23373 7590 12/14/2005

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/786,393

**Applicant(s)**

AMIR ET AL.

**Examiner**

Simon Sing

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-5, 7-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Varney US 6,310,939.

1.1 Regarding claims 1, 8 and 9, Varney discloses a method for screening a voice message in figure 2, comprising steps of:

receiving an unanswered call directed to called party 14, said call having embedded addresses (telephone numbers of a calling party 12, called party 14 and VMS 500) and an indication that the call is not answered (column 2, lines 22-44);

if the target telephone is not busy (column 2, lines 22-28), establishing an outgoing call to the called party 14 (column 3, lines 33-41);

conveying to the calling party 12 an outgoing (greeting) message, inviting the calling party to leave a voice message ( column 2, lines 50-55); and

in response to an accept call instruction received from the called party, terminating the connection between the calling party 12 and the VMS 500, and bridging the calling party to the called party (column 3, lines 2-9).

1.2 Regarding claims 3, 10 and 11, Varney discloses a method for screening a voice message in figure 2, comprising steps of:

receiving an unanswered call directed to called party 14, said call having embedded addresses (telephone numbers of a calling party 12, called party 14 and a screening server (i.e. VMS 500)) and an indication that the call is not answered (column 2, lines 22-44);

establishing an outgoing call to the called party 14 (column 3, lines 33-41);

establishing an outgoing call to a voice mail system VMS 500 with caller and called party's information (column 2, lines 45-50);

conveying to the calling party 12 an outgoing (greeting) message, inviting the calling party to leave a voice message ( column 2, lines 50-55); and

in response to an accept call instruction received from the called party, terminating the connection between the calling party 12 and the VMS 500, and bridging (re-establishing connection) the calling party to the called party (column 3, lines 2-9).

1.3 Regarding claim 4, Varney discloses a method for screening a voice message in figure 2, comprising steps of:

receiving an unanswered call directed to called party 14 (column 2, lines 22-25);

establishing an outgoing call to a voice mail system VMS 500 (Value Added Service) having embedded addresses (telephone numbers of a calling party 12, called

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party 14 and the VMS 500) and an indication that the call is not answered (column 2, lines 25-35);

establishing an outgoing call to the called party 14 (column 3, lines 33-41);

conveying to the calling party 12 an outgoing (greeting) message, inviting the calling party to leave a voice message ( column 2, lines 50-55);

upon called party going off-hook, establishing a connection between the called party and the VMS 500 (column 3, lines 33-41); and

in response to an accept call instruction received from the called party, bridging (re-establishing connection) the calling party to the called party (column 3, lines 2-9).

1.4 Regarding claim 5, Varney teaches terminating the connection between the calling party 12 and the VMS 500 (column 3, lines 2-9).

1.5 Regarding claim 7, the Value Added Service is a VMS 500 as discussed in claim

1.6 Regarding claim 12, Varney discloses a messaging system 10 in figure 1 adapted to:

receive an unanswered call directed to called party 14, said call having embedded addresses (telephone numbers of a calling party 12, called party 14 and VMS 500) and an indication that the call is not answered (column 2, lines 22-44);

establish an outgoing call to the called party 14 (column 3, lines 33-41), if the target telephone is not busy (column 2, lines 22-28);

convey to the calling party 12 an outgoing (greeting) message, inviting the calling party to leave a voice message ( column 2, lines 50-55); and

terminate the connection between the calling party 12 and the VMS 500, and bridge the calling party to the called party in response to an accept call from the called party (column 3, lines 2-9).

1.7 Regarding claim 14, Varney discloses a Service Node (server) 300 in figure 1 adapted to:

receive an unanswered call directed to called party 14, said call having embedded addresses (of telephones 12, 14 and the Service Node 300) and an indication that the call is not answered (column 2, lines 22-44);

establish an outgoing call to the called party 14 (column 3, lines 33-41);

establish an outgoing call to a voice mail system VMS 500 (Value Added System) with caller and called party's information (column 2, lines 45-50);

convey to the calling party 12 an outgoing (greeting) message, inviting the calling party to leave a voice message ( column 2, lines 50-55); and

terminate the connection between the calling party 12 and the VMS 500, and bridge (re-establishing connection) the calling party to the called party in response to an accept call instruction received from the called party (column 3, lines 2-9).

1.8 Regarding claim 15, as discussed in claim 14, the Value Added service is a voice messaging system VMS 500.

2. Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardell et al. US 6,031,896.

2.1 Regarding claim 4, Gardell discloses a method for screening a voice message in figure 5, comprising steps of:

receiving an unanswered call directed to a called party 310 (End-Point B)  
(column 7, lines 9-20);

establishing an outgoing call to a VM Intercept Service Terminal (VMIST) 340  
(Value Added Service) having embedded addresses (End-point A, End-point B and  
VMS 350) and an indication that the call is not answered (column 7, lines 15-27);

establishing an outgoing call to the called party 310 (column 7, lines 24-28;  
column 4, lines 44-46, 54-56);

conveying, by VMS 350, to a calling party (End-Point A) an outgoing (greeting)  
message (by inherency), inviting the calling party 300 to leave a voice message (  
column 7, lines 24-26);

upon called party going off-hook, establishing a connection between the called  
party and the VMS 500 (column 7, lines 24-29); and

in response to an accept call instruction received from the called party, bridging  
(re-establishing connection) the calling party to the called party (column 7, lines 24-31).

2.2 Regarding claim 5, Gardell teaches that the end-points can be VoIP phones (column 4, lines 15-16) and once a connection is established between a calling party and a called party, connection to the VMS 350 is dropped (column 7, lines 31-33).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varney US 6,310,939 in view of Pugaczewski et al. US 5,450,488.

Varney teaches allowing a calling party to leave a voice message, but fails to prompt the calling party to hear the voice message.

However, Pugaczewski discloses that a messaging system gives a caller opportunity (audio prompt) to record a voice message, listen to the voice message, and record a different message if desired (column 2, lines 23-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Varney's reference with the teaching of Pugaczewski so that a caller would have been prompt to hear a voice message he/shed recorded before termination, because a modification would have enable a caller to listen to he/she just recorded and to re-record a new one if he/she was not satisfied.



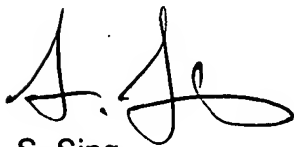
**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) US 6,337,898 (Gordon) discloses a method for monitoring voicemail.


b) US 6,243,374 (White et al) discloses a method for providing a voice menu to a caller to record a message, listen to the message and confirm the message if satisfied.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

12/06/2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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